

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7204

JASON L. BLACK,

Petitioner - Appellant,

versus

WARDEN, Buckingham Correctional Center,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CA-98-505-AM)

Submitted: December 17, 1998

Decided: January 6, 1999

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jason L. Black, Appellant Pro Se. Daniel John Munroe, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Jason Black appeals the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998). We have reviewed the record and the district court's opinion and find no reversible error. Although we agree with Black that the district court erroneously found that he had failed to exhaust his claim that he was denied a fair trial based on the trial court's denials of his motions for a mistrial, see Castille v. Peoples, 489 U.S. 346, 350 (1989), we find that the state court's adjudication of this claim did not result in a decision that involved an unreasonable application of federal law. See 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Black v. Warden, No. CA-98-505-AM (E.D. Va. June 16, 1998).* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

* Although the district court's order is marked as "filed" on June 15, 1998, the district court's records show that it was entered on the docket sheet on June 16, 1998. Under Rule 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).